

In the
Indiana Supreme Court

IN THE MATTER OF)
) Case No. 49S00-0505-DI-211
RAYMOND F. FAIRCHILD)

ORDER APPROVING STATEMENT OF CIRCUMSTANCES AND CONDITIONAL AGREEMENT FOR DISCIPLINE

Pursuant to Ind. Admission and Discipline Rule 23, Section 11, the Indiana Supreme Court Disciplinary Commission and the respondent have submitted for approval a *Statement of Circumstances and Conditional Agreement for Discipline* stipulating agreed facts and proposed discipline as summarized below:

Facts: Respondent is at the end of two years of probation, which followed a six month suspension, imposed by this Court in *Matter of Fairchild*, 777 N.E.2d 726 (Ind. 2002). The present proceeding raises two additional allegations of misconduct that occurred at or about the time of the misconduct that led to respondent's suspension and probation.

In Count I, respondent failed to respond to discovery requests in a medical malpractice case. Upon being compelled to reply, respondent provided the client's original documents. Respondent never submitted any evidence on behalf of the client to the medical review panel, so the defendant moved to dismiss. Respondent failed to appear for the hearing on the motion to dismiss and it was granted. Throughout the representation respondent was not responsive to the client's inquiries and after dismissal of the case failed to comply with the client's request for the return of his documents for more than one year.

In Count II, respondent failed to respond to interrogatories in a worker's compensation case and following an order compelling answers, still failed to respond. Ultimately the case was dismissed. The client's attempts to contact respondent were also unsuccessful.

Violations: By his conduct respondent violated Ind. Professional Conduct Rule 1.1, which requires a lawyer to provide competent representation; Prof.Cond.R. 1.3, which requires a lawyer to act with diligence and promptness in representing a client; Prof.Cond.R. 1.4(a), which requires a lawyer to keep a client adequately informed; and Prof.Cond.R. 1.16(d), which requires a lawyer to return client papers requested by the client within a reasonable time.

Discipline: Extension of respondent's probation for two years commencing on the date of this order pursuant to the attached terms.

The Court, having considered the submission of the parties, now APPROVES and ORDERS the agreed discipline. Costs of this proceeding are assessed against the respondent.

The Clerk of this Court is directed to forward a copy of this Order to the hearing officer and in accordance with the provisions of Admis.Disc.R. 23, Section 3(d).

DONE at Indianapolis, Indiana, this _____ day of June, 2005.

Randall T. Shepard
Chief Justice of Indiana

SHEPARD, C.J. and SULLIVAN, BOEHM and RUCKER, JJ., concur.

DICKSON, J., votes to disapprove the agreement, believing the penalty is too lenient.